United Nations CEDAW/C/ARE/Q/2-3/Add.1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
29 July 2015
English
Original: Arabic, English, French and Spanish only

Committee on the Elimination of Discrimination against Women
Sixty-second session
26 October-20 November 2015
Item 4 of the provisional agenda

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues in relation to the combined second and third periodic reports of the United Arab Emirates

Addendum

Replies of the United Arab Emirates to the list of issues*

[Date received: 29 July 2015]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

Please recycle

1. Please provide adequate information on steps taken to ensure that, in practice, international standards take precedence over all internal sources of law, including religious laws. Please also indicate the steps taken to fully incorporate in the Constitution or other appropriate domestic legislation the principle of equality between women and men as recommended by the Committee (CEDAW/C/ARE/CO/1 para. 15) and in line with the commitment taken during the second cycle of the Universal Periodic Review (A/HRC/23/13 para. 128.85). Please indicate whether a comprehensive review of discriminatory laws against women and girls has been undertaken with a view to repealing them, in particular the discriminatory provisions of the Personal Status Act. Please provide information on the provisions of the draft Child Protection Act relating to the girl child.

Reply:

In the UAE, international conventions are held to be equivalent to national legislation and laws and the international conventions and treaties which the State has acceded to in law must be applied in the State once ratified by federal decree. The UAE has ratified and acceded to many international, regional and bilateral conventions in the economic, social, judicial and other spheres, including those which ensure an effective legal and procedural framework to safeguard women and protect their rights. The principle of equality and equal opportunity between men and women is ensured in the Constitution and national laws. What follows are several articles of the Constitution:

- **Equality between men and women**:

  Article 14: *Equality, social justice, the provision of safety and security, and equality of opportunity for all citizens shall be pillars of society, and mutual assistance and compassion shall be a strong bond between them.*

  Article 25: *All persons are equal before the law, without distinction between citizens of the Federation on grounds of race, nationality, religious belief or social status.*

- **Personal liberty**:

  Article 26: *Personal liberty is guaranteed to all citizens. No person may be arrested, searched, detained or imprisoned except in accordance with the provisions of law. No person shall be subjected to torture or to degrading treatment.*

- **Freedom of worship and belief**:

  Article 32 of the Constitution stipulates: *Freedom to exercise religious worship in accordance with established customs shall be guaranteed, provided that it does not conflict with public policy or violate public morals.*

- **Freedom of thought and expression of opinion**:

  Article 30 of the Constitution stipulates: *Freedom of opinion and expressing it verbally, in writing or by other means of expression shall be guaranteed within the limits of law.*

- **Right to social care and social security**:

  Article 16 stipulates: *Society shall bestow care upon childhood and motherhood and shall protect minors and others unable to look after themselves for any reason, such as illness, incapacity, old age or forced unemployment. It shall be responsible for assisting them and enabling them to help themselves for their own benefit and that of the community. Such matters shall be governed by public welfare and social security legislation.* As such, Emirati society holds that family upbringing and the protection of motherhood and childhood are societal duties and responsibilities.

- **Right to education**:

  Article 17: *Education is a fundamental factor in the advancement of society. It shall be compulsory at the primary level and free of charge at all levels within the Federation. The law shall prescribe the necessary plans for the spread and universalization of education at its various levels and for the eradication of illiteracy.*

- **Right to health care**:

  Article 19: *The community shall guarantee its citizens health care and the means of preventing and treating diseases and epidemics. It shall encourage the establishment of public and private hospitals, dispensaries and treatment facilities.*

- **Freedom of postal, telegraphic, telephone and electronic communication**:

  Article 31: *Freedom of communication by post, telegraph or other means of communication and the confidentiality thereof shall be guaranteed in accordance with the law.*

- **Right of assembly**:

  Article 33: *The right of assembly and to form associations shall be guaranteed within the limits of the law.*

- **Right of ownership**:

  Article 21: *Private property shall be safeguarded. The conditions relating thereto shall be laid down by law. No one shall be deprived of his property except in circumstances required by the public interest in accordance with the provisions of the law and on payment of fair compensation.*

- **Right of complaint and to address the authorities**:

  Article 41: *Every person shall have the right to submit complaints to the competent authorities, including the judicial authorities, concerning abuse or infringement of the rights and freedoms stipulated in this part.*

- **Right to form associations**:

  Article 33: *The right of assembly and to form associations shall be guaranteed within the limits of the law.*

- **Freedom of the press**:

  Article 30: *Freedom of opinion and expressing it verbally, in writing or by other means of expression shall be guaranteed within the limits of law.*

- **Freedom of movement**:

  Article 29: *Freedom of movement and residence shall be guaranteed to citizens within the limits of the law.*

- **Right to form a family**:

  Article 15: *The family is the basis of society. Its foundations are religion, morality and patriotism. The law shall guarantee its existence, safeguard it and protect it from corruption.*

- **Right to work**:

  Article 20: *The community considers work a cornerstone of progress and endeavours to provide work for citizens and train them for it. It shall ensure appropriate conditions therefor by enacting legislation that preserves the rights of employees and the interests of employers in the light of developing international labour legislation.*

  Article 34 stipulates: *Within the limits of the law, every citizen shall be free to choose his occupation, trade or profession, due consideration being given to the regulations that govern certain professions and trades. No person may be compelled to provide labour other than in exceptional circumstances that are provided for by law, and must receive compensation for such labour. No person may be enslaved.*

- **Right to hold public office**:

  Article 35 stipulates: *Public office shall be open to all citizens on the basis of equality, in accordance with the provisions of the law. Public office shall be a national service entrusted to those who hold it. The sole aim of the public servant in the execution of his duties shall be the public interest.*

- **Right of litigation**:

  Article 41 stipulates: *Every person shall have the right to submit complaints to the competent authorities, including the judicial authorities, concerning the abuse or infringement of the rights and freedoms stipulated in the Constitution.*

The principle of equality and equal opportunity is further affirmed in numerous pieces of legislation, including Federal Act no. 8 (1980), concerning the regulation of labour relations in the UAE, article 32 of which stipulates: *A working woman shall be entitled to the same wage as that of a working man, if she does the same work.*

Anxious to ensure the principle of equal opportunity between the sexes in education, the UAE legislature resolved, in article 1 of Federal Act no. 11 (1971), on compulsory education that *education shall be compulsory at the primary level and free of charge at all levels within the Federation for citizens of both sexes.*

The Federal Personal Status Act, no. 28 (2005), affirms numerous rights promoting the advancement of the Emirati wife and mother, beginning with her rights vis-à-vis the marriage contract and concluding with those which apply upon termination of the marriage.

Article 62 states: *(1) A woman of full legal age has full control over her property and the husband may not make disposal thereof without her consent. Each spouse has independent financial title. If one makes the other a partner in a financial venture, the building of a house or the like, each is entitled to their share thereof in the event of divorce or death.*

Article 63 states: *(1) Maintenance shall include food, clothing, housing, medical care and assistance for the wife if she is caring for her family, and anything considered normal for married life. (2) When maintenance is set, the husband's ability to pay and the financial situation of the wife shall be taken into consideration, as shall the economic situation of the time and place, but the amount shall not be less than sufficient.*

Article 66 states: *A wife is entitled to maintenance from her husband upon initiation of a sound contract, if she has given herself to him in marriage, even if virtually.*

Article 110 states: *(1) Divorce at the instance of the wife is a contract between the married couple in which both agree that the marriage contract shall be terminated upon payment of a consideration by the wife or a third party.*

As regards the Child Protection Act, the Federal National Council (FNC) approved a federal bill on the rights of the child once several articles and clauses thereof had been updated and amended to ensure the child's enjoyment of full rights and the appropriate mechanisms had been formulated to protect these rights, forbidding the exposure of children to any arbitrary or illegal measures or infringement of their honour or reputation; prohibiting the employment of children under the age of 15; affirming a child's family rights and obliging the parents to provide the requirements of family security, while requiring the person in charge of the child's welfare to assume the responsibilities and duties of his proper upbringing, care, instruction and development in such a way that the interests of the child are paramount and have priority in all circumstances.

The bill on the rights of the child is part of the UAE's efforts to develop a system of social legislation that upholds human rights and defends man's dignity and liberty. It affirms that the country's legislative system protects freedoms and safeguards rights and, in its concern with children, is anxious to overcome all difficulties preventing them from being properly brought up to become upright individuals. It promotes efforts to protect children from all forms of discrimination and violence, affords them the very best opportunities and puts in place the conditions to raise and protect them from harm and abuse. The bill covers the child's basic human rights, family rights and health, education, cultural and social rights as

these relate to the child. It contains mechanisms to provide the child with a secure and stable life, as well as severe penalties for anyone whom Satan entices into committing an act against a child that affects his emotional, psychological, physical, moral and social balance.

Reservations

2. Please provide updated information on the study referred to in paragraph 17 of the combined second and third periodic reports, relating to the lifting of or narrowing down of reservations to the Convention. In view of the statement contained in paragraph 90, according to which Islamic Sharia treats women without discrimination in all respects, please explain why the State party maintains its reservations by indicating that certain provisions of the Convention conflict with the precepts of the Sharia.

Reply:

This is still being studied by the relevant bodies.

Visibility of the Convention

3. Please provide information on the measures taken to increase visibility of the Convention and especially the training provided to the FNC, the judiciary, including religious courts, as well as the campaigns to raise awareness of the Convention targeting the population at large.

Reply:

The entire State apparatus is working to raise the visibility of the Convention by means of:

- Instructional printed materials and leaflets on elements of the Convention;
- The websites of relevant bodies;
- Social media;
- Dedicated workshops, forums and lectures;
- Training and capacity-building for judges, lawyers etc. on elements of the Convention;
- Awareness-raising campaigns implemented by private associations and civil society organizations, particularly the General Women's Union (GWU) and other institutions concerned with women in the UAE.

National machinery for the advancement of women

4. With reference to the recommendation made by the Committee (CEDAW/C/ARE/CO/1 para. 19) and in view of the numerous institutions listed in the report, please clarify which one is the national machinery responsible for coordinating the implementation of the Convention and explain the working relations between the different institutions. Please also indicate the sectoral units which are in place and what their functions and resources are. Please clarify which complaint mechanism women can access when their rights are violated. Please provide information on the main features

of the national strategy for the advancement of women in the United Arab Emirates (2013-2017) and about the results achieved so far through its implementation. Has any mid-term assessment of this strategy been conducted and if so, what has been the outcome?

Reply:

The GWU is the responsible body, working in collaboration and cooperation with federal and local institutions and civil society organizations concerned with women.

The National Strategy for the Empowerment and Advancement of Emirati Women represents a national plan to foster participation by women in the UAE in various spheres of life, and to harness their potential for the advancement of sustainable development. The strategy is based upon an analysis of actual progress achieved in the country in recent years in the realm of policy, legislation and services targeting the empowerment of women, with the goal of preserving and building upon the gains that have been made in order to employ women's human energy to drive the future.

The National Strategy for the Empowerment and Advancement of Emirati Women (2015-2021) seeks to monitor the progress of women in the country. It foundations were laid by the late Sheikh Zayed bin Sultan Al Nahyan (may he rest in peace) and Sheikha Fatima bint Mubarak, president of the GWU, supreme head of the Family Development Foundation and president of the Supreme Council for Motherhood and Childhood, to empower women of all ages and all social and economic classes. Its progress is supported, sustained and perfected by His Highness Sheikh Khalifa bin Zayed Al Nahyan, the head of State, and the rulers of the emirates.

This document is the fruit of a joint collaboration between GWU, concerned federal and local institutions and civil society institutions in the State. It was prepared in accordance with scientific principles using a participatory approach relying on sectoral studies to analyse the situation and identify points of strength and weakness in the women's empowerment policies and programmes implemented by the various institutions. A series of workshops were then held to explore – with partners – the features of the strategy that represent priorities, together with the pressing and emerging needs of women in the UAE, in order to ensure, on the one hand, that woman's role as an essential partner in achieving the UAE 2021 vision is fostered, and on the other hand, that the country meets its international obligations.

The National Strategy for the Empowerment and Advancement of Emirati Women (2015-2021) will be a benchmark for all institutions and bodies working in the UAE public sector (at federal and local level). private sector and civil society organizations, when it comes to the formulation of action plans and

programmes to provide Emirati women with a decent life based on high quality healthcare, social, educational, cultural, environmental and economic foundations.

Civil society organizations

5. Please provide information on the follow-up to the Committee's recommendation (CEDAW/C/ARE/CO/1 para. 31) and indicate the measures taken to create and ensure an enabling environment in which civil society and women's rights organisations can freely operate. In particular, please indicate the legal requirements for the registration and operation of non-governmental organisations, including women's human rights NGOs. Please also indicate measures taken, including legislative measures to ensure the diversity and independence of civil society organisations and freedom of expression for all segments of society.

Reply:

The legislative environment in the UAE is one that is conducive to advancing the political participation of women. This is evident from the extensive legislation calling for freedom of opinion and expression and freedom of assembly and association, as well as legislation that encourages participation in parliamentary life.

In the Constitution:

- Article 30: *Freedom of opinion and expressing it verbally, in writing or by other means of expression shall be guaranteed within the limits of law.*
- Article 33: *The right of assembly and to form associations shall be guaranteed within the limits of the law.*
- Article 69: *Each Emirate shall be free to determine the method of selection of the citizens representing it in the Federal National Council.*

Human rights defenders and women activists

6. Please comment on information received to the effect that the 13 women acquitted during the trial of 94 persons belonging to the Reform and Social Guidance Association (al-Islah), as well as women relatives of those detained, are subject to various forms of abuse and harassment, including a ban on travel, administrative obstacles and a refusal to register them for examinations). Please provide information on the case of Aicha Hussein al-Jabri who was reportedly prevented from registering for an examination. Please also provide information on any cases of women prosecuted under the August 2014 counter-terrorism law.

Reply:

The UAE judiciary is just. It respects humanity and human rights.

Temporary special measures

7. Please provide information on the results achieved by the promulgation of the 2012 Cabinet decision, promoting women's participation on the boards of federal authorities, companies and institutions referred to in paragraph 22 (a) of the report, as well as updated information on any temporary measure adopted since then to accelerate de facto equality between men and women in all areas covered by the Convention. Please also indicate whether the State party intends to adopt measures to increase the representation of women in the FNC and at ministerial level, as well as in high-level positions in the public and private sectors.

Reply:

The Cabinet issued a decision requiring the appointment of women to company boards.

The Cabinet issued a decision establishing the UAE Gender Balance Council to promote the role of Emirati women in all spheres of employment and to help boost the position of the UAE both locally and internationally. The UAE Gender Balance Council was set up to narrow the gender gap in State sector employment, achieve a gender balance in decision-making positions and boost the position of the UAE in global competitiveness reports in respect of the gender gap in employment, in addition to establishing the UAE as a benchmark for gender balance in employment.

Stereotypes and harmful practices

8. Please provide information on the measures taken to eliminate the stereotypes underpinning traditional patriarchal attitudes, which reinforce women's subordination in society. Please provide information on the efforts undertaken, through awareness-raising and educational campaigns addressing religious and community leaders, parents and teachers, to counter stereotypical attitudes towards women and girls. More specifically, please provide information on the awareness-raising measures taken to eliminate stereotyped attitudes within society towards women and girl victims of sexual abuse and the general tolerance toward rapists and abusers. In spite of the minimum age of marriage being 18 years for both boys and girls, a high proportion of girls is reported to be married before the age of 18. Please indicate the measures taken to enforce the minimum age of marriage and to raise awareness of the many negative consequences of this practice.

Reply:

There have been significant efforts on the part of bodies concerned with combating violence and preventive programmes and strategies play a positive role in reducing the number of incidents. Girls now complete their university education then enter employment and it is after that that they begin family life. Girls are delaying the age at which they marry to 25 and over.

Violence against women

9. Please provide data on the number of cases of violence against women and girls, including domestic violence, rape and other sexual violence reported to the police over the reporting period, the number of prosecutions and convictions and the penalties imposed on perpetrators. Please indicate what comprehensive measures have been taken to address all forms of violence against women as recommended by the Committee (CEDAW/C/ARE/CO/1 para. 27) and in particular the progress made toward enactment of comprehensive legislation on violence against women. Please provide information on the reasons why the State party did not accept but only took note of the recommendation made during the second cycle of the Universal Periodic Review (A/HRC/23/13, 21 para. 128.92) to introduce legislation prohibiting the rights of men to physically punish their wives. Please also explain how the retention of article 53 of the Penal Code, giving men the legal right to discipline their wives and children, is compatible with the State's obligations under the Convention. Please explain how the State party intends to combat domestic sexual abuse if marital rape is not criminalised and if women can lose their right to maintenance for refusing to have sexual relations with their husbands. Please also comment on information according to which women and girl victims of sexual abuse have been punished under article 356 of the Penal Code for having had sexual relations outside of wedlock and in some instances condemned to stoning or flogging. Information before the Committee also shows that in several instances, foreign women who reported violence from their husbands were discouraged by the police from reporting cases of violence and even lost custody of their children when the case was brought to court.

Reply:

The efforts of the concerned bodies are evident and their role is a positive one. They include the Ewaa Women and Children's Shelters, the Dubai Foundation for Women and Children and various sections of the Ministry of Interior. The latter include:

- **Human Rights Department (Ministry of Interior):** Set up in 2009, the Human Rights Department is responsible for safeguarding the freedoms, rights and dignity of the members of society, as guaranteed by the State Constitution, laws and legislation derived from our values and the teachings of our true religion. The department is concerned with improving police work by applying the best humanitarian practice in dealing with members of the public, without discriminating between social groups. Additionally, the department continuously monitors the extent to which police commanders and departments comply with the rules and regulations laid down to safeguard human rights. It spreads the culture of human rights, monitors issues relating to the protection of the human rights and public freedoms of all members of society, in accordance with the

Constitution, current laws and international human rights instruments, provides legal advice, coordinates with government agencies, diplomatic bodies and civil society organizations concerned with human rights and monitors the situation of social groups in need of care, particularly women and children, to ensure that their rights are protected.

- **Social support centres:** These centres provide protection and care for the victims of all types of crime. They offer psychological and social support and shelter the victims of domestic violence, particularly women and children.

- **Office to promote respect for the culture of law:** The office is concerned with disseminating legal culture among members and sections of society, including labourers, domestic workers and the like. It has carried out a number of initiatives to inform these groups of their rights and duties, raise their level of cultural awareness and involve them in the ongoing development process experienced by the UAE.

- **Office of the Inspector General (Ministry of Interior):** The office is responsible for the supervision and administrative inspection, in the field and by computer, of the entire police and security apparatus to ensure the correctness of their procedures and legitimacy of their decisions. Its organizational structure includes a complaints department, with open channels of communication with the public to receive complaints regarding mistakes that may have been made by the police, take the appropriate measures with respect thereto and safeguard the rights of victims. It also plays a role in overseeing the nationality, residence and foreigners sector insofar as its mandate extends to domestic workers and persons of equivalent status.

- **Police departments in the various police commands**: Police departments collect evidence in relation to crimes reported by members of the public, including domestic workers and those of similar status, before forwarding their reports to the Department of Public Prosecutions for investigation and referral to the competent court.

- **Dispute settlement departments in the nationality and residence sector**: These departments, attached to offices of the Directorate General of Residency and Foreigners' Affairs across the country, receive complaints from domestic workers and those of similar status and look into disputes arising between the parties to a contractual relationship. They study cases brought to their attention through a permanently open communication channel for the receipt of complaints, provide assistance and care for victims of violence or abuse, forward crime reports to local

police departments for investigation. If an assault deemed to constitute a punishable offence under the law of the land is proven to have taken place, the case is referred to the Department of Public Prosecutions for investigation and referral to the competent court;

- **Temporary workers monitoring section (Dubai Police)**: The Dubai police command has established a department reporting to the Directorate General of Human Rights to monitor the situation of temporary workers. The function of the department is to combat workers' exploitation by receiving and following up complaints from workers about wages, ill-treatment, lack of proper accommodation or a company's failure to comply with the provisions regulating the labour market as laid down in Emirati labour law. The department has launched a series of initiatives which have been directly instrumental in promoting a shift from workers' demonstrations to telephone calls and complaints on the toll-free number (8005005).

1. Human rights-related committees in the Ministry of Interior:

   - Human Rights Committee
   - National Committee to Combat Human Trafficking (NCCHT)
   - Higher Committee for Child Protection
   - Women's Police Committee
   - Penal and Reform Institution Inspection Committee
   - Disciplinary Boards.

2. The Ministry of the Interior receives complaints and reports via the following:

   - Toll-free number 999; complaints, reports and calls for help from anywhere in the country are transferred to the police command having jurisdiction;
   - Toll-free number 600525555, for submission of complaints and suggestions to Abu Dhabi police command;
   - Security switchboard 8002626/ 5086888, for submission of complaints and suggestions to Abu Dhabi police command;
   - Toll-free number 800404040, for submission of general complaints to Dubai police command;

- Security service number 8004888, for submission of complaints and suggestions to Dubai police command;
- Toll-free number 80080, to report violations or infringements of the rights of sponsored workers to the nationality, residency and border authorities;
- Hotline 8005354, to submit complaints of domestic violence to the social support centres;
- Workers' hotline 8005005, operating under the programme to monitor and address abuses against workers;
- Emergency SMS text messaging service 5999, through which persons with special needs can contact Abu Dhabi police command;
- The website of the Ministry of the Interior and its organizational units (http://www.moi.gov.ae) is designed to be a direct means of communication through which members of the public can submit complaints, reports and proposals in Arabic and English. Cases are dealt with and followed up by the appropriate competent body.

Trafficking women and exploiting them in prostitution

10. Please provide information on the measures adopted for the effective implementation of Federal Act no. 51 (2006), on combating human trafficking. Has the State party elaborated a national strategy to combat trafficking as recommended in 2013 by the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/48 Add.1 para. 81 f)? Please also indicate the number of inspectors specifically handling trafficking cases and the training they have received to identify women and girl victims of trafficking, as well as the number of trafficking cases involving women and girls which have been prosecuted and the penalties imposed on the perpetrators. Finally, please indicate the measures taken to ensure that victims are never criminalised and the efforts made to follow up the concern expressed by the Special Rapporteur regarding the deportation of trafficking victims on a daily basis.

Reply:

Federal Act no. 51 (2006), on combating crimes of human trafficking

The recently-released ninth report of the NCCHT[1] indicates considerable achievements in this area and the Government has made significant and rapid progress. Among the indicators of the State's

[1] Website of the National Committee to Combat Human Trafficking: www.ncht.gov.ae.

success in combating trafficking is the reduction in the number of cases to 15 in 2014, compared with 19 in 2013 and 47 in 2012.

UAE anti-trafficking efforts in 2015 have made considerable strides in dealing with this crime. Efforts include the implementation of an integrated national strategy and introduction of dedicated systems in all areas of the fight against human trafficking. These systems have developed a high level of expertise, knowledge and professionalism in applying the national strategy.

The dedication of UAE efforts has helped to curb human trafficking and reduce its grave impact on human dignity and rights – rights acknowledged and affirmed by custom and the international charters ratified by the UAE within the framework of its concerted endeavour to eliminate this scourge in partnership with the international community and to ensure constructive human relations based on full respect for the dignity of man regardless of country, occupation or job. The report notes that, since the UAE launched its official campaign against human trafficking in 2006, these efforts have brought about a qualitative change in addressing this particular crime.

There was a decline in the number of victims and traffickers in 2014, with 20 persons identified as victims and 46 classified as traffickers. This compares with 24 victims and 50 traffickers in 2013 and 75 victims and 149 traffickers in 2012. Given the substantial decline, these figures must be seen as a positive indicator of the progress made in the fight against this crime.

The annual report is further indication of the active involvement of the UAE in the global campaign against human trafficking and of the fact that that the UAE shall spare no effort in supporting plans, strategies, partnerships and research designed to enhance the Government's programme of action to combat human trafficking.

The NCCHT appreciates the importance of public awareness campaigns to inform all those coming to the UAE – the land of blessing – of the key points of Federal Act no. 51 (2006), particularly the amendments introduced in 2015. To this end, the NCCHT will strive to implement a comprehensive plan for the future, involving awareness-raising campaigns and orientation programmes.

The amendments to the law were designed to give victims of human trafficking crimes greater rights. At all stages – collection of evidence, investigation and trial – measures are taken to inform victims and witnesses of their legal rights in a language they understand, while giving them the opportunity to voice their legal and social needs. Furthermore, victims receive physical and psychological treatment from the medical authorities and may be admitted to a physical or psychological rehabilitation centre. They are placed in shelters or other approved places, if it appears to be needed. There has been significant progress in combating this crime and State

agencies have become more adept at confronting all the practices that fall within the heading of human trafficking.

Settlement of 6,798 wage-related complaints

The number of wage-related complaints settled by the Ministry of Labour in 2014 was 6,798, amounting to AED 20,700,000. Some 479 wage-related disputes were referred to the Department of Public Prosecutions in 2014, compared with 188 cases in 2013. Furthermore, Ministry of Labour officials made some 263,944 inspection visits to monitor compliance with the labour law. Some 20 complaints made by workers last year were settled.

Some 99.6% of companies complied with the decision banning midday working during the summer months, with only 147 plants failing to apply it. Plants shown to have violated the law were fined AED 15,000 for each incident.

Assistance for 17 victims

In 2014, 17 victims of human trafficking were helped by Ewaa Shelters for Women and Children at their three centres across the country. Of these, 15 had work visas and two had tourist visas. Last January, the first shelter for male victims of human trafficking was opened to deal with such cases in the future.

Last year, the Dubai Foundation for Women and Children provided shelter for three victims of human trafficking of Asian origin, referred by Dubai police.

Meanwhile, the Dubai police Human Trafficking Crime Control Centre received 1,407 complaints last year. There were a total of 35 strikes in Dubai last year, 21% of which were occasioned by late payment of wages and 9% by demands for a wage rise.

Financial support fund

The NCCHT has set up a non-governmental fund to support victims of human trafficking, especially by means of long-term rehabilitation programmes. Monies disbursed to victims in 2014 included some AED 10,000 from the NCCHT, AED 170,000 from Ewaa Shelters for Women and Children and a further AED 24,430.

A ruling in six cases

The anti-human trafficking report reveals that, while 34 cases were reported to the police or Ministry of Interior, the Department of Public Prosecutions only treated 15 as cases of human trafficking. All of these cases were linked to sexual exploitation. There was one case in Abu Dhabi, one in Ras al-Khayma, seven in Dubai, four in Sharjah and two in Ajman.

Participation in political and public life

11. According to paragraph 15 b of the report, women occupy 17.5% of the 40 seats of the FNC. Please indicate the number of women members of the FNC who were elected and the number who were appointed. Please also explain why the number of women in the judiciary and the number of women faculty members remains extremely low (para. 15 c and h) and indicate the measures taken or envisaged to remedy this situation, including temporary special measures.

Reply:

The legislative environment in the UAE is conducive to advancing the political participation of women. This is evident from the extensive legislation calling for freedom of opinion and expression and freedom of assembly and association, as well as legislation that encourages participation in parliamentary life. It is also evident from the support and backing given by the President of the United Arab Emirates to the FNC, making it possible for the FNC to carry out its mission. Decision no. 2 (2006) was promulgated and subsequently amended by Decision no. 2 (2011), defining the method of selecting the UAE representatives to the FNC. In the light of this wise decision, women have been able to enter the FNC chamber not only by appointment but also by election, indicating the successful advancement of Emirati women in comparison with their Arab counterparts.

Genuine participation of women in political activity was realized in 2006 with the assignment of two ministerial portfolios to women. That figure was doubled to four in 2008. According to the 2011 statistics, ten women were appointed to the position of ministerial undersecretary and assistant undersecretary in institutions of State, compared with eight in 2008. It might be noted here that Emirati women have occupied the position of undersecretary for more than two decades. A woman was first appointed to the position of secretary-general of the Cabinet in 2006, thereby playing an important role in developing and monitoring implementation of the Government's strategic priorities in all sectors and in developing hundreds of initiatives to be carried out by all federal bodies, alongside active involvement in planning and implementing the restructuring of the governmental apparatus to increase levels of efficiency and competence, thereby ensuring achievement of the Government's general strategy.

Furthermore, Emirati women played a prominent role in the first electoral process, held in 2006, and the second one in 2011, which was a significant milestone in the history of the UAE and part of the Head of State's programme of political development within the wider empowerment programme. Women's participation in both elections was characterized by an extensive presence in organization and oversight and, most importantly, as candidates and voters. Emirati women

have demonstrated their ability to mobilize successfully in the political arena and to contribute energetically and effectively to FNC sessions and legislative debates (Lana Nusseibeh, 2009).

The 2006-2007 statistics record the successful election of one woman and the appointment of a further eight, thereby placing the UAE in the top rank globally in respect of the representation of women, with 22.5%. The Arab States at the time recorded an average level of female representation of approximately 9.3%, which was comparable with the global level). Women played a prominent role during the election period, with two women elected by the electoral commission to chair two out of the seven electoral centres. Out of a total of 456 candidates registered with the electoral commission, 65 were women (14.4%). This is a positive indication of the self-confidence of Emirati women in the first electoral experiment in the country's history and a sign of the great awareness of the importance of women's role in the political sphere, as in the fields of health and education, in which women have established themselves at the forefront in terms of participation and accomplishment.

Comparing the above with the outcome of the second electoral experiment in 2011, which was marked by an increase in the number of electoral boards, in accordance with the vision of political gradualism adopted by the UAE, the statistics indicate impressive results. Women's participation witnessed a remarkable development between the two experiments in terms of the total numbers of female voters: in the first election, some 1,162 women voted, while in the second election, the number of women voters increased to around 60,000 – 46% of the total electorate. Some 83 women out of 450 candidates (18.4%) competed for election to membership of the FNC, establishing the country's position globally for effective representation of women in parliament and providing women with the opportunity to review and amend legislation and exercise oversight over Government performance, in the same way as men. This reflects the commitment of the Government and Emirati society to empower women – who have demonstrated their worth in the political sphere since 2006.

Reports submitted by the general secretariat of the FNC show that female members of the FNC in their first electoral experience performed capably and contributed effectively in plenary sessions and to the work of FNC committees, at times surpassing the contributions of certain male members in terms of debating and amending bills presented by the Government within the framework of the FNC's legislative reforms and in submitting questions to the Government in fulfilment of their oversight role, particularly on matters relating to health and legal rights. Women have chaired several FNC standing and ad hoc committees and have taken part in many international and regional conferences. Furthermore, women have represented the country in international and regional parliaments,

such as the Inter-parliamentary Union, an international organization of which the parliaments of 140 sovereign States are members, the Arab Inter-Parliamentary Union and the Interim Arab Parliament attached to the League of Arab States.

Nationality

12. Please indicate the steps taken since the royal directives of 2 December 2011 to bring the State party's legislation in line with article 9 of the Convention and to grant women equal rights with regard to the acquisition, change and retention of nationality and its transmission as previously recommended by the Committee (CEDAW/C/ARE/CO/1 para. 33). Please also provide information on the number of "Bidoon" women and girls who have received citizenship since 2008 and how many remain stateless, as well as the measures to eliminate statelessness in the State party.

Reply:

General provisions:

- Article 1: *Nationality is acquired ex lege, by dependence or by naturalization in accordance with the law.*
- Article 11: *Nationality by naturalization may not be granted to a person unless he renounces his original nationality.*
- Article 12: *Nationality is granted only once.*

Naturalization:

- Article 3: *The marriage of an alien woman to a citizen of the United Arab Emirates shall not entail her acquisition of her husband's nationality unless she declares to the Ministry of the Interior her wish to become a national and the marriage remains in existence for three years from the date of such declaration. It is a condition that she relinquish her original nationality. If the woman married a citizen prior to the effective date of the present Act and the marriage is still in existence, or her husband has died and she has children of his and she holds a passport of one of the Emirates or was included in her husband's passport, she may be granted UAE nationality by dependence on condition that she relinquish her original nationality. Under no circumstances can a husband acquire his wife's nationality.*
- Article 7: *United Arab Emirates citizenship may be granted to any person having full legal capacity if he has been continuously and legally resident in the member Emirates since 1940 or before and has maintained his customary residence up to the effective date of this Act, has a legitimate source of income, has demonstrated good conduct, has not been convicted of an offence violating honour or trust and is proficient in the Arabic language.*
- Article 8: *United Arab Emirates citizenship may be granted to any person having full legal capacity, other than those mentioned in articles 5 or 6, who has been continuously and legally resident in the member*

Emirates for a period of at least 30 years, including at least 20 spent after the effective date of this Act, has a legitimate source of income, has demonstrated good conduct, has not been convicted of an offence violating honour or trust and is proficient in the Arabic language.

- Article 9: *Any person who has rendered outstanding services to the country may be granted United Arab Emirates citizenship without regard to the period of residence otherwise prescribed by law.*
- Article 10: *A wife of a national by naturalization shall be deemed a national by naturalization if she relinquishes her original nationality. Minor children of a national by naturalization shall be deemed nationals by naturalization and may decide their original nationality within one year after reaching the age of majority.*
- Article 11: *Nationality by naturalization may not be granted to a person unless he renounces his original nationality.*
- Article 12: *Nationality is granted only once.*
- Article 13: *A person who has acquired UAE nationality by naturalization in accordance with articles 5, 6, 7, 8, 9 or 10 shall not have the right to stand as a candidate, to vote or to be appointed to any parliamentary or popular body or any ministerial position. Persons of Omani, Qatari and Bahraini origin are exempted from the provisions of this article after the passage of seven years from their acquisition of nationality.*

Acquisition of nationality

- Article 1: *Nationality is acquired ex lege, by dependence or by naturalization in accordance with the law.*
- Article 2: By law, a citizen shall be:
  - *a) An Arab resident in a member Emirate in or before 1925 and who has maintained his normal residence there up to the effective date of this law;*
  - *b) A person born in the country or abroad to a father who is a citizen of the country by law;*
  - *c) A person born in the country or abroad to a mother who is a citizen of the country by law but his paternity has not been legally established;*
  - *d) A person born in the country or abroad to a mother who is a citizen of the country by law and an unknown or stateless father;*
  - *e) A person born in the country to unknown parents, who is considered a foundling born in the country in the absence of proof to the contrary.*

Education

13. Please elaborate on the information provided in the report according to which women constitute 71.6% of the students in government universities and 50.1% of students in private universities, indicating the percentage of women in each field of study and the measures taken to increase the number of women and girls enrolled in non-traditional fields of study and to provide women and girls with career guidance. Please provide information

on the measures taken to ensure that children of migrant women have access to affordable quality education. The report highlights the national curriculum for public and private education in the State party.

Reply:

The gender equality indicator would appear to be equal, given that it approximates to 1:1 in relation to female students at each stage of education. This is attributable to State policy vis-à-vis gender equality and reflects the commitment made within the policy and legislative framework to achieve substantial, wide-ranging progress in the gender equality indicator. Furthermore, the premises and goals of UAE education policy support the granting of equal education opportunities to all citizens.

Employment

14. Please indicate how the State party ensures effective implementation of women's right to work as an inalienable human right and to choose profession and employment freely, as provided for in article 11 (c) of the Convention. In particular, please clarify whether or not article 72 of the Personal Status Code, which obliges a woman to obtain her husband's permission in order to work, has been repealed. Please also comment on information received by the Committee according to which, in October 2011, a Dubai court ruled that a woman had broken the law by working without her husband's permission. Please provide data on the percentage of women in the labour force disaggregated by field of activity in the public and private sectors and by employment rate (full/part time). Please provide information on the measures taken to reduce the gap between the economic activity rate of men and women and the still low rate of women in management positions, as well as the outcome thereof. Please also indicate the follow-up to the recommendation made by the ILO Committee of Experts in its 2011 Direct Request under Convention 111 to avoid stereotype assumptions in training and employment with respect to women's aspirations, suitability and capacity for certain jobs.

Health

15. With reference to paragraph 65(9) of the report, please provide data on the number of women and girls who underwent abortion on permitted grounds over the reporting period. Please also comment on information according to which women who seek hospital treatment for miscarriage may be accused of attempted abortion. Finally, please indicate the steps taken to expand the permitted grounds of abortion to cases of rape, incest, threats to the health of the mother or severe foetal deformity and to remove punitive measures for women who undergo abortion. With reference to paragraph 64 of the report, please clarify the percentage of women domestic workers who participate in one of the health insurance schemes and indicate whether the State party is considering replacing the provision in the bill regulating the employment of support workers,

which would require employers of domestic workers to provide health care and essential treatment to women domestic workers in the event of illness, by a provision making access to health care services a right that all female domestic workers can freely exercise.

Women migrant domestic workers

16. With reference to paragraph 25(9) of the State report, please provide updated information on the bill on domestic workers, reportedly pending since 2012, and on the reform of the *kafalah* (sponsorship) system, which continues to expose women domestic workers to abusive conditions and prevent them from changing employer. The State report indicates (para. 24) that women residing in the State enjoy all the rights and duties enjoyed by men. Please then explain why women domestic workers continue to be excluded from the application of the labour law contrary to other migrant workers and therefore deprived of basic legal protection in the workplace.

Reply:

Domestic workers and those of similar status:

The Ministry of Interior goes to great lengths to protect human rights in general and the rights of domestic workers and those of similar status in particular, pursuant to the principles of the noble Islamic Sharia and on the basis of the principles and provisions affirmed by the Constitution, the laws of the State and the instructions of our rightly guided leadership. Furthermore, the ministry is anxious to fulfil its International obligations and undertakings in this regard and to keep pace with international and global developments by providing adequate protection for the rights of those groups working in the country under temporary contracts regulated by the competent authorities in the State and who, as such, are considered temporary labour. Domestic workers and those of similar status enjoy the legal protection – both civil and criminal – given by the Constitution and state laws, such as the Civil Transaction Act, the Federal Penal Code, the Anti-Human Trafficking Act and the Alien's Entry and Residency Act. The most significant endeavours of the Ministry of Interior, through its police agencies, to protect domestic workers and those of similar status are as follows:

- **Ministry of Interior efforts in the sphere of international conventions and the enactment, amendment and enforcement of national legislation**

  A bill to regulate the provisions pertaining to domestic workers and those of similar status in the UAE in a manner consistent with international standards, in particular ILO Domestic Workers Convention, 2011 (no. 189), has been drafted. The Cabinet has approved the draft and the necessary constitutional measures for promulgation are currently being completed; the implementing regulation has been drafted. The Ministry of Interior took part in drafting

the bill, which deals with a number of matters not addressed by the alien's entry and residency act. The bill guarantees to uphold the rights of contracting parties as follows:

- **Regulation and licensing of labour recruitment agencies**
  - Workers shall be informed in their own countries of the type and nature of employment and the gross wage;
  - No commission or costs are to be demanded from any worker in exchange for obtaining employment either before or after he starts work;
  - Tests to ensure that a worker is medically fit are to be conducted within 30 days prior to the worker entering the country;
  - The circumstances in which an agency shall bear the costs of a worker's repatriation and procure a replacement or reimburse all amounts paid by the employer are to be specified;
  - Workers must be made aware of the customs and traditions of the UAE;
  - Workers are to be provided with suitably equipped temporary living accommodation until they join their employer and are to be well treated;
  - Workers are to be advised of the bodies competent to hear complaints regarding violation of their rights and freedoms.
- **Employment contracts**:
  - The standard contract regulates the relationship between employee and employer and determines the rights and obligations of each party. The contract between the two parties – the sponsor and the sponsored – is concluded prior to the worker being issued with a residence permit. The contract, which must be endorsed by the competent Directorate General of Residency and Foreigners' Affairs in accordance with the prescribed procedures, is drawn up in three copies in Arabic and English and signed by both parties, each of which retains one copy; the third copy is deposited with the said Directorate General. The State has recently introduced new employment contracts for domestic workers and persons of equivalent status, the provisions of which are governed by Federal Act no. 6 (1973, amended), concerning the entry and residence of foreigners, and the implementing decisions and regulations thereof, in the event of any dispute arising between the parties. The new contract contains the following provisions:

a) Obligations of the sponsor/ rights of the worker:

1. It is forbidden to make a worker engage in work that is hazardous or incompatible with public order;
2. Care must be taken to help a worker transfer his/her wages in accordance with the State's banking regulations;
3. Wages due must be paid not later than seven days after the end of each month; a receipt must be signed by the worker and all his/her entitlements received before his residence permit is cancelled;
4. A worker must be provided with decent accommodation, appropriate working clothes, food and drink;
5. A worker must be well treated in a manner conducive to the preservation of his/her dignity, integrity and privacy;
6. A worker must be allowed to communicate with his/her family and the confidentiality of his/her correspondence must be respected;
7. Medical treatment and care must be provided in accordance with the State's health system;
8. In the event of a worker's death, his/her body and personal effects are to be transported to his/her home country as soon as possible and his/her entitlements must be paid to the concerned body;
9. A worker is to be granted sufficient periods of rest;
10. A worker is to be granted paid leave during the term of his/her contract or financial compensation in respect thereof;
11. A worker is entitled to a travel ticket for his/her period of leave and at the end of his/her contract;
12. A worker must be granted a weekly day of rest or financial compensation in respect thereof.

b) Obligations of the worker/ rights of the sponsor (employer):

1. To work only for the employer and members of his family; perform his/her occupational duties in an honest and sincere

manner; respect the confidentiality and privacy of the employer and employer's family; and show regard for the values, customs and traditions of the State;

2. To sign a receipt for payment of wages;

3. To pay appropriate compensation for any loss, damage or destruction of the employer's property up to a maximum of five days' wages;

4. Dispute settlement offices in the competent Directorate General of Residency and Foreigners' Affairs have jurisdiction to settle disputes. In the event of a settlement not being reached within two weeks, the dispute is to be referred to the competent courts for adjudication.

- Regulation of leave:

  Under the contract, a worker is entitled to the following types of leave:

  a) Weekly leave;

  b) Annual leave;

  c) Sick leave;

  d) End of service indemnity.

17. According to information received, the updated standard contract for domestic workers states that a domestic worker's rights shall be null and void if the worker leaves work without the consent of the sponsor. Furthermore, it criminalizes the act of harbouring a migrant worker without a valid visa, including those fleeing abuse. Under these circumstances, please explain how women domestic workers can report abuse by their employers, including sexual abuse of which they are the victims. Please indicate the mechanisms in place for domestic workers to lodge complaints and whether or not any shelters have been established for female domestic workers fleeing abusive employers. Please also indicate the measures taken to enforce effectively the legal prohibition on confiscating domestic workers' passports. Please provide detailed information on the number of cases of arrest and prosecution since 2012 for employing forced labour. Please include information on the nature of the penalties imposed in these cases.

Reply:

See reply to previous question.

Disadvantaged groups of women

18. Please provide information on women refugees and asylum seekers resident in the State party. Please also explain the delays in establishing legal standards and procedures to deal with refugees and asylum seekers and to ensure that all cases involving women and girls are dealt with in a gender-sensitive manner. Please indicate whether or not the State party has formalized any agreement with the United Nations High Commissioner for Refugees (UNHCR) to deal with women refugees and asylum seekers.

Equality before the law and in civil matters

19. The report of the State party mentions (in paragraph 13) that the Government of the UAE focuses its efforts on ending gender based discrimination. Please explain why the State party rejected the recommendation made during the second cycle of the Universal Periodic Review (A/HRC/23/13, 21 para. 128.87) to ensure equal status and rights for women in all matters. Please explain how the continued retention of legal provisions under which a woman's testimony is worth half that of a man's before a court in criminal matters and in some civil matters is compatible with the aim of eliminating gender based discrimination and ensuring equality before the law. Please indicate whether or not women are guaranteed the same freedom of movement as men and comment on information received according to which Emirati men can seize the passports of their wives and daughters and request that the immigration authorities prevent their departure from the country.

Reply:

Women's freedom of movement is guaranteed in the UAE. The issue of testimony is a matter for the Islamic Sharia.

Marriage and family relations

20. Please indicate the measures taken to repeal the provisions of the Personal Status Act which continue to discriminate against women, such as those related to polygamy, divorce, custody of children and inheritance and those imposing male guardianship on women. Please explain the rationale behind the retention of these provisions and, in particular, please clarify the reasons why the law allows a man to divorce his wife unilaterally, whereas a woman who wishes to divorce her husband must apply for a court order, which is only granted on limited grounds. Please indicate the steps taken to bring the Personal Status Act into line with the Convention and other internationally legally binding instruments, taking into consideration the experience of countries with similar religious backgrounds and legal systems.

Reply:

The Personal Status Act, no. 8 (2005):

This act regulates a number of matters relating to the family and the maintenance of the family as an entity. In particular, it sets out in detail matters relating to marriage and the effect thereof. Article 1 establishes that the provisions of the law shall apply to all citizens of the United Arab Emirates unless non-Muslims among them have special provisions applicable to their sect or confession. Furthermore, the provisions of the law shall apply to non-citizens unless one should request the application of his own law. The most important rights for women guaranteed by this law are indicated below:

Article 62 states: *(1) A woman of full legal age has full control over her property and the husband may not make disposal thereof without her consent. Each spouse has independent financial title. If one makes the other a partner in a financial venture, the building of a house or the like, each is entitled to their share thereof in the event of divorce or death.*

Women thus enjoy independent financial title, enjoying legal competence with regard to obligations and rights. As such, the law prohibits the husband from disposing of her property without her consent. Her title is separate from his because marriage does not involve the union of title between husband and wife. Accordingly, the law requires a husband to maintain his wife, even if she is rich. He must make adequate provision for her maintenance, food, clothing, accommodation, medical treatment and servants within the limits of his own situation and economic position in time and place.

Article 55 provides for the rights of a wife against her husband, which may be summarized as follows:

- Maintenance;
- Not preventing her from completing her education;
- Not preventing her from visiting her relatives (ascendants, descendants and collaterals) and from having them visit her in accordance with custom;
- Not interfering with her personal property;
- Not harming her physically or mentally;
- Acting with fairness between her and the other wives, if the husband has more than one.

Accordingly, a wife has financial and material rights against her husband, as well as moral and ethical rights. There are also joint rights, regulated by article 54.

Optional Protocol and amendment to article 20 (1)

21. Please indicate any progress made towards accession to the Optional Protocol to the Convention. Please also indicate what progress has been made toward accepting the amendment to article 20 (1), of the Convention, relating to the time of convening Committee meetings.

Reply:

Under study by the competent authorities.